

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DOYNOW SALES ASSOCIATES, INC., :

Plaintiff, :

-against- :

ROCHEUX INTERNATIONAL OF NEW JERSEY, :  
INC. a/k/a ROCHEUX INTERNATIONAL, INC., :

Defendant. :

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08 Civ. 8043 (AJP)

**ORDER**

**ANDREW J. PECK, United States Magistrate Judge:**

The Court rejects the parties' alleged "Joint" Proposed Pretrial Order. The proposed jury instructions and verdict form are like two ships passing in the night, and are not acceptable. Moreover, the proposed instructions totally ignore the Court's "standard" jury instructions which were provided to you (do you really have no changes to my "standard" instructions?).

The Court usually does not refer to the evidence in giving instructions, nor should the instructions merely repeat your arguments. Redo it with just the legal principles applicable under New Jersey law, and reach more agreement on what that law is. And the verdict form should be as simple as possible. If you don't agree on something that is "juror friendly," you risk that I will use a general verdict form, i.e., is there liability and if so, what are the damages.

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Counsel are to seriously work together and submit a new set of proposed jury instructions and verdict form, in hard copy and WordPerfect form, by October 27, 2009. Trial is now scheduled for January 25, 2010 at 9:00 a.m. sharp. Make sure all of your witnesses are available.

SO ORDERED.

Dated: New York, New York  
October 14, 2009

  
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**Andrew J. Peck**  
United States Magistrate Judge

Copies **by fax & ECF** to: Scott A. Lucas, Esq.  
Clifford E. Schwartz, Esq.